

**Relational Authority in the Modern World:
Towards a Positive Theory of Legitimacy**

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September 30, 2006

Prepared for the Workshop on *Legitimacy in the Modern World*,
University of California, San Diego, December 8-9, 2006

Legitimacy is central to nearly all human relationships and, in turn, to most social science theories. The concept was invented to help account for social order in large societies. Since it is too costly to attain order in the long run on the basis of sanctions (whether derived from incentives or naked coercion), it stands to reason that order must also rest, in part, on the consent of the governed.

Legitimacy provides a means of referencing the consensual basis of social order. Yet, it is seldom discussed by social scientists because it is “squishy,” vague, impossible to define precisely or operationalize in any neat fashion. Whereas compliance is often observable, how can we know whether it is due to the threat of sanctions or to consent?

To the extent that social scientists do take up the concept of legitimacy, they typically employ a procedural or formal-legal conception in which lawful office is understood to confer authority on an actor. For example, one day Arnold Schwarzenegger is simply a wealthy actor, the next he is the Governor with the right to sign or veto legislation, appoint people to various commissions and departments, and represent the State of California. This formal-legal conception may be adequate in established political systems where the rule of law is secure, but it is far less useful in helping us understand the nature of legitimacy in other, more politically contested settings or how to build legitimacy so as to create a rule of law.

By contrast, this paper – and the related one by Michael Hechter (2006) – develops a relational theory of authority that understands consent to emerge from the exchange of social order in return for compliance and obedience by the ruled. Legitimacy, in turn, embodies collective consent to rule, which in my view is rooted in interests vested in the social order. That is, when actors acquire assets that are more valuable under one ruler and a particular social order than another, they get locked into supporting that ruler. Their support, in turn, creates the collective consent that permits the ruler to establish law and punish defectors or those who might challenge her rule. In short, vested interests are the glue that holds the authority contract together. Collective consent may be facilitated by normative agreement or a fair or just social order, but neither is necessary for it to exist. In this way, effective rule creates legitimacy, rather than the other way around.

The payoff to this conception of authority and legitimacy, I believe, can be best seen in the insights it yields on policies of successful state-building and theories of international relations. Most theories of state-building after civil wars and certainly current practice rely heavily on a formal-legal approach to authority that emphasizes the writing of a constitution and the holding of democratic elections. A relational conception focuses attention on the provision of social order as the root of legitimacy. Similarly, clearly limiting their conception to a formal-legal definition, modern theories of international relations near universally assume that relations between states are “anarchic” or lacking in authority. A relational conception not only permits but highlights the various authority relationships between states in the contemporary world, and why they might matter for world politics.

This paper first develops the concept of relational authority (section I) and then integrates this with a theory of legitimacy (section II). The analysis is then extended briefly to the issues of state-building (section III) and international hierarchy (section IV). Sections I, II and IV are drawn from a larger book project (Lake forthcoming-a). Section III is extracted from a less well developed monograph on fragile states and international trusteeship (Lake forthcoming-b)(Lake forthcoming b). I apologize in advance for the length – as the old saw goes, if I had more time I would have written a shorter paper.

I. Authority

Authority is an ambiguous term. In what is regarded as the paradigmatic definition, political authority is understood as a relationship in which “A...wills B to follow A and B voluntarily complies” (Scheppelle and Soltan 1987). Three implications of this brief definition are noteworthy and deserve elaboration.

First, for A to be authoritative, the several Bs who live within its jurisdiction must recognize an obligation to comply if possible with the laws or commands issued by A. As Richard Falthman (1980, 35) notes, “If A has authority X, those persons (Bs) who are in A’s jurisdiction therefore have an obligation or obligations Y.” In other words, in an authority relationship, the Bs recognize both that A has the right to issue certain commands and that they should, within the limits of their abilities, follow those commands.

Second, authority is a form of power. Following Dahl’s (1957, 202) famous definition, power is the ability of A to get B to do something he would otherwise not do. In the case of authority, B’s behavior is driven by obligation, not force, but the operative condition is the same: B does something he would not otherwise desire to do because of

A's will. The commonly asserted opposition between power and authority is, thus, ill-founded. Authority is a member of the larger set of power relationships.

Third, as legitimate power, authority is analytically distinct from coercion, but intimately bound up with this second form of power. Purely coercive relationships – as when a mugger demands “your money or your life” – are characterized by power, but are not authoritative. Although it may be wise to comply in the face of superior force, there is no *obligation* to do so. Indeed, the purpose of A's coercion in such cases is to manipulate incentives so that it is in B's interests to comply, but again this implies no obligation. It is the obligation to comply with A's commands that renders authority and coercion conceptually distinct.

Although distinct, authority and coercion are intimately related, with the latter forming a necessary component of the former. Indeed, *political* authority by definition authorizes a ruler to use coercion.¹ As Day (1963, 260) insightfully notes, the relationship between power and coercion is a close one, “because those who possess authority in political life, the rulers, are authorized not only to make laws and take decisions but to use coercive power when necessary to ensure obedience to those laws and acquiescence in those decisions.” Not all coercion is authorized, of course, but “‘political authority’ by definition involves authority to use coercive power.” As a result, political authority necessarily implies some coercive capacity.

This tie exists because the capacity for coercion, if not actual coercion, is necessary to buttress or sustain authority in the face of individual incentives to flout the rules designed to constrain behavior. Even as he recognizes that he should comply with

¹ “Political” is an important qualifier. Other sources of authority also exist, including moral or expertise-based authority.

A's edicts, any individual B may choose to violate any rule. An obligation creates only an expectation of compliance, but does not require perfect obedience. Authority requires that the Bs "surrender judgment" and accept the force of A's laws, but this does not imply that they are without choice. At the most general level, even as the Bs subordinate themselves to the commands of A, they choose collectively whether to accept A's authority (Day 1963, 268). The obligatory nature of A's command, however, permits A to punish any B for non-compliance, indicating that in choosing to violate an authoritative rule, that individual is also choosing to accept the sanction that A may impose. Many drivers exceed the speed limit, for instance, but if caught they accept the right of the governing authority to issue fines and other punishments for breaking the law. Such violations do not undermine the concept of authority nor the authority of any particular ruler.² Given incentives by an individual B not to comply in specific instances, coercion may be required to enforce rules and, by example, to deter defection by other similar Bs. Especially in large groups where free riding is possible – even attractive – coercion may be necessary to prevent widespread violation of commands and, thus, the erosion of authority. Rules consistently ignored soon stop being commands. Coercion is necessary to enforce commands and, thus, maintain authority.

But just as authority requires a coercive capacity, it is authority that creates, in part, the ruler's ability to use coercion. As Flathman (1980, 29) reminds us, "sustained coercion is impossible without substantial agreement among the members of the association about those very propositions whose rejection commonly brings coercion into play." If recognized as legitimate, the ruler acquires the ability to coerce individuals

² Nonetheless, consistent failures to comply typically indicate an absence of authority; commands issued that are routinely ignored are not authoritative (Day 1963, 264).

because of the broad backing of others. In extremis, an individual B may deny any obligation to comply with A's laws, but if the larger community of which that B is part recognizes the force of A's commands and supports A's possible punishment for violating these commands, then that B can still be regarded as bound by A's authority (Flathman 1980, 30). Similarly, rulers can enforce individual edicts even in the face of opposition if the general body of rules is accepted as legitimate by a sufficiently large body of the ruled. In both cases, the ruler's capacity to use coercion to enforce rules rests on the consent of the ruled. Because a sufficient number of the ruled accept the ruler and his edicts as legitimate, the ruler can employ force against individual free riders and even dissidents. Knowing that a sufficient number of others support the ruler, in turn, potential free riders and dissidents are deterred from violating the rules, and overt force is rendered unnecessary. But the point, again, is that the ruler's coercive capacity rests, in part, on the consent of the ruled. Coercion flows from authority, yet is necessary to sustain that authority.

Yet, even as authority and coercion are complements over some range, authority and coercion can be substitutes as well in the short run or when the ruler has exogenous sources of coercive capability. When authority is contested, the ruler may increase coercion to attempt to stay in power, employing the proverbial policeman on every corner and informant in every group. This may serve to reinforce authority in the short term, but ultimately fails as the ruler cannot count on compliance with the taxes or other extractions necessary to sustain the coercive apparatus (Levi 1988). When rulers have access to resources that can be mobilized for coercion independent from those over whom they rule – such as monarchical lands in feudal times and oil, diamonds, or other

natural resources today – they may be able to maintain themselves in power through coercion even in the absence of authority.

Despite their clear analytic differences, authority and coercion are hard to distinguish in practice. As we have seen, they are deeply intertwined, making it difficult for analysts to conclude whether, in any given instance, the Bs followed A's wishes out of obligation or force. Their mutual dependence and covariance bedevils analysis.

Formal-Legal Authority

Modern conceptions of authority are typically rooted in the work of Max Weber who, in characterizing the modern bureaucratic state, developed an ideal type of formal-legal authority.³ For Weber, and nearly everyone else since, A's ability to command the Bs, and the willingness of the Bs to comply, follows from the lawful position or office that A holds. In this conception, A, the person (or unit) in authority, possesses the right to issue laws and rules due to the office that A occupies, and not to any personal qualities that A may possess (Flathman 1980, 17). Authority does not inhere in A as a person, but in A as an officer.⁴ The formal-legal approach implies that "authority can be correctly predicated of A only if there are established rules by virtue of which A has authority" (Flathman 1980). Weber's ideal type resonates with common experience in established domestic polities, reflected in expressions of support by citizens for their political leaders even though they may not respect them as individuals.

³ Weber referred to this as rational or legal authority (1978, 215-26).

⁴ This is the primary difference between formal-legal authority that Weber took to be the defining characteristic of the modern state, and "charismatic" authority (also called substantive-purposive authority), in which authority is understood to derive from the knowledge, charisma, or other personal attributes of the individual. Flathman (1980) distinguishes between these schools as, respectively, being "*in* authority" and being "*an* authority"

Despite its debt to Thomas Hobbes, formal-legal theory founders on how authority emerges from the state-of-nature. If political authority derives from lawful office, law must precede authority. But if political authority creates law, then authority must precede lawful office. In building the preconditions necessary to transcend the state-of-nature, we cannot conceive of law without authority or authority without law. Like the joke about which came first the chicken or the egg, we are left with a classic conundrum the only correct answer to which is “neither” or “both emerged simultaneously.” Even if a formal-legal conception is useful once authority is created, this conception does not contain within itself an explanation of its own origins.⁵ Just as the laws of physics appear not to hold in the first instants (precisely, before 10^{-43} seconds) after the “big bang” (Charap 2002, 169-71), a formal legal conception of authority cannot hold in the moment of its creation. The important conclusion, therefore, is that the origins of authority must rest on something other than a formal-legal order.

The misleading implication, in turn, is that absent a formal-legal structure there can be no authority. If the previous conclusion is correct, this implication must be false. That is, if a formal-legal structure is necessary for authority, then that formal-legal structure itself could never come into existence. It must, therefore, be possible for authority to exist independent from any formal-legal structure. This has important repercussions for both the literatures on failed states and international relations that I discuss briefly in the final sections below.

Relational Authority

⁵ Weber relied on charismatic and other forms of authority which precede formal-legal authority to resolve this conundrum.

Social contract theories contain within them an alternative conception of authority in which obligation does not follow from the office or position of the ruler but from a bargain between ruler and ruled.⁶ This bargain is premised on A's provision of a social order of value to the Bs sufficient to offset the loss of freedom incurred in their subordination to A. Authority then becomes a contract in which A provides the order demanded by the Bs, and the Bs consent to the authority of A to exert the restraints on their behavior necessary to provide that social order. In equilibrium, A gets a sufficient return on effort to make the provision of social order worthwhile, and the Bs get sufficient social order to offset the loss of freedom entailed in consenting to A's authority. If A extracts too much or provides too little social order, the Bs can withdraw their consent – and A's authority evaporates. In this way, relational authority is contingent on the actions of both the ruler and ruled.

Following Hedley Bull (1977, 5), a social order is “a pattern of human activity that sustains elementary, primary, or universal goals of social life,” including security against violence resulting in death or bodily harm, an assurance that property will not be subject to challenges that are constant or without limit, and an expectation that promises and agreements, once made, will be kept. As a shorthand, then, we can think of social order as the protection of persons, property, and promises. Social order possesses large externalities and, in some ways, approaches a pure public good. As a result, individuals will typically seek to free ride on the efforts of others, purely voluntary efforts will

⁶ There is a long philosophical tradition underpinning contractual theories of the state, but several of the most important contemporary works include Auster and Silver (1979); North (1981); Levi (1988); and Olson (2000) For recent extensions of this approach, see Lake (1992); Lake and Baum (2001); Baum and Lake (2003); and Timmons (2004).

produce less social order than desired, and the net outcome will be collectively suboptimal.⁷

Since holders of political authority can legitimately use coercion, such actors are uniquely adapted to solve collective action problems.⁸ They can extract taxes, labor, or other resources necessary to pay for the production of social order, and limit behaviors by individuals that would weaken that order. This can be done directly by the ruler herself. Alternatively, the ruler can produce order indirectly through “leadership.” Rulers may not actually defend property rights themselves, for instance, but they may facilitate the organization of property holders to defend their own rights. As long as rulers are consequential for resolving such collective action problems, they can still be credited by the ruled with fulfilling their part of the authority contract (Blau 1964, 213-215). In turn, because the ruled anticipate the suboptimality of strictly voluntary provision, they grant authority to the ruler necessary to solve the free rider problem and consent to the extractions and constraints imposed by that ruler. Although other forms of authority, including moral and religious authorities, can also facilitate collective action, it is the ability to use coercion legitimately that makes the modern state so effective in producing social order on a large scale. In this way, social order binds ruler and ruled in an authority relationship. Without the desired social order, the ruled have no reason to subordinate themselves voluntarily to the commands of the ruler, and without the compliance of the ruled, the ruler lacks the endogenous means to produce the social order.

⁷ On theories of public goods, see Olson (1965) and Cornes and Sandler (1986).

⁸ Despite the suboptimality of voluntary efforts, and the comparative advantage of an authoritative actor in solving collective action problems, social order does not necessarily require an “orderer,” an entity responsible for producing that pattern of activity. Bull (1977) argues that the society of states, even under anarchy, produces a rudimentary social order. And as a generation of research has shown, cooperation is clearly possible between formally equal actors both within and between states (Ostrom 1990, Oye 1985).

This relational conception of authority has several important implications. First, relational authority is inherently strategic. In formal-legal authority, as above, the focus is on the office or the position of the ruler: authority flows from the lawful institution. In a relational conception, both ruler and ruled are integral to the contract. Indeed, in a relational approach, the focus of analysis subtly shifts from ruler to ruled: obligation flows from the consent of the ruled, not the commands of the ruler. A does not possess authority unless the Bs acknowledge an obligation to comply with A's will (Bernard 1962, 163, Simon 1976, 146). In turn, consent that is granted can be withdrawn if A tries to exploit its authority. A's authority and its ability to use coercion legitimately follows from the B's satisfaction with the social order so produced (Bernard 1962, 164-165). As we have seen, obedience springs not from authority or coercion. Rather, authority and the capacity to coerce derive from the interest the ruled have in the social order (Gourevitch 1999, 142).

Second, relational authority is not a condition but a variable that exists in greater or lesser degrees in different times and places. Most important, authority varies in strength, measured by the maximum divergence between A's command and the B's preferences under which the latter will still consent. A is weak when it is limited to willing only that which the Bs would do anyway. A is strong when the Bs are willing undertake abhorrent actions at A's behest. At the same time, authority is never absolute. There is always some command that A could issue that the Bs would defy.⁹

⁹ Operationalizing relational authority, of course, is not easy for reasons that follow from this second implication. In equilibrium, A will request only that which it knows the Bs will consent to do; whether the Bs would have wanted to undertake the action anyway, or did so only at A's command, is difficult to discern without an investigation of their preferences, which are typically hard to uncover. This difficulty, however, makes the concept and implication no less important.

Third, a relational conception implies that the key problem in any hierarchy is limiting abuses of authority by the ruler (Simon 1976, 134). Granting coercive power to the ruler to create and enforce a social order necessarily gives the ruler the ability to use coercion in her own self-interest. A ruler may decide to coerce her subjects to ensure her hold on office even if the latter withdraw their consent, to extract “rents” (defined as returns for producing a social order greater than his opportunity costs) for herself or her principal supporters, or simply for her own, megalomaniacal purposes. Thus, to grant authority to A, the Bs must be relatively confident that the authority so granted will be used for the intended purpose of creating a social order. To receive this grant, therefore, A must credibly commit to particular policies or courses of action that are acceptable to the Bs. Within states, the creation of relatively more democratic institutions that diffuse power and ensure popular preferences are represented in the policy process is one common method of creating credibility – or “tying the sovereign’s hands” in North and Weingast’s (1989) now classic rendition of this problem. Nonetheless, limiting potential abuses by the ruler is a necessary and typically prior step in any grant of authority.

The Origins of Relational Authority

A relational conception of authority provides a more complete and consistent account of the origins of authority, a key problem with the formal-legal approach. Although the formation of authority from within the state-of-nature is, of course, shrouded in the mists of time, a relational conception appears consistent with what we know about the process.¹⁰

¹⁰ In addition to the cases and works discussed below, see the collaborative efforts edited by Feinman and Marcus (1998); and Diehl (2000).

In the anthropological literature on “contact era” Melanesia, which provides one of the few windows into “living” societies creating their first authority structures, one prominent form is the local “big man,” an individual who uses his comparative advantage in material accumulation to generate wealth and, in turn, to earn authority over those who become his followers (Sahlins 2000). In a related conception drawn from the same region and period, Maurice Godelier posits a “great man” model in which individuals use their comparative advantage in hunting and violence, gardening, or ritual knowledge to attain authority (see Godelier and Strathern 1991).¹¹ Productive abilities, knowledge, and fighting skill all appear to be resources that potential leaders can draw upon to produce a local social order and, in turn, authority. These big man societies are particularly interesting because they possess authority structures without any formal-legal apparatus or even the institution of hereditary chieftaincy.

Similarly, based largely on archeological evidence from the Upper Mantaro Valley in Peru (500-1534), Thy, Denmark (2300-1300 BC), and Kaua’i, Hawaii (800-1824), Timothy Earle (1997) posits a nexus of economic, military, and ideology powers as necessary to the emergence of early chiefdoms. But central to all three cases, Earle argues, was the ability of the chief to provide the public goods of defense (in Peru and Denmark) and irrigation (in Hawaii) which were necessary to the agricultural surpluses that secured the compliance of the ruled.

¹¹ Both “big men” and “great men” models are contrasted with hereditary “chiefs” found elsewhere in the region. Although the chieftain model might, at first glance, fit with a formal-legal conception of authority (since authority is inherited by chiefs, rather than “earned” by big- or great men), Sahlins’ account later demonstrates that even chiefs stimulated rebellion by over-extracting from their peoples – which fits better with a more relational perspective. There is considerable debate about whether and how these authority forms evolve into each other. For an excellent review of the literature, see Roscoe (2000).

In discussing the rise of the ancient Mesopotamian empires, the first large scale political units with a well documented archeological record, Michael Mann points to the important role of “compulsory cooperation,” first identified by Herbert Spencer (1969). Synthesizing the large literature on this period, Mann (1986, esp. 146-55) argues that the ancient empires appear to have grown by providing a social order that facilitated investment and trade, and thereby led to a deeper division of labor, higher incomes, institutionalized loyalty and greater authority for the imperial center. The strength of this authority, in turn, declined with distance from the imperial core, with the empire giving way to vassal states and then marcher lords in a series of concentric rings.

In all of these cases, the formal-legal institutions follow rather than drive the process. In the end, authority rests on the ruler’s ability to deliver the “goods” demanded by the ruled, and the latter’s willingness to recognize as legitimate the status of the former.

Relational Authority and the State

Although seen more easily, perhaps, in its non-state form, relational authority also underpins the modern state. As noted above, formal-legal conceptions of authority derive from and fit the modern state – and, in turn, are accepted because of that fit. In building his ideal type of formal-legal authority, Weber was describing the state structures he observed around him. But such conceptions can be understood simply as “reduced-form” models of relational authority. That is, formal-legal conceptions start with the existence of a modern state but are simplifications of a broader relational approach in which state authority is endogenous. In this way, a formal-legal conception is not truly an alternative to a relational conception, but is dependent on and subsumed by the latter.

Formal-legal authority does not itself explain why the ruled comply with the commands of the state. The authority conferred upon an individual by a particular office – be it president, governor, or city tax collector – cannot account for why that office or institution has the ability to produce broad-based compliance in the first place. In building his ideal type of rational authority, Weber (1978, 215) pointed to a particular type of legitimating belief that rested on “the legality of enacted rules and the right of those elevated to authority under such rules to issue commands.” But this merely pushes the question back to why this form of legitimacy rather than another predominates. It does not answer the question of why citizens should comply at all.

Law rests on the willingness of citizens to subordinate themselves to its strictures. “Natural law” may appear to stand on its own, but this doctrine has always been a legitimating ideology rather than an established fact (see Diggins 1991). When probed deeply, even formal-legal authority is seen to rest ultimately on the consent of the governed, which is the point of departure for a relational conception.

Just as the origins of authority in primitive societies were murky, the origins of state-authority are also opaque. State authority, perhaps, is most evident when it is challenged. The writing of the Constitution of the United States is a particularly clear example of a non-revolutionary challenge to established authority. The Articles of Confederation, de facto adopted by the second Continental Congress in 1775 but not officially enacted until 1781, required that any amendment be ratified by unanimous consent. Recognizing that any revisions would be blocked by the state legislatures which were, in their view, abusing their powers and needed to be reigned in for the common good, the political reformers called for an extra-constitutional convention to rewrite the

basic law of the land. Rather than follow the procedures for amendment laid out in the Articles, the reformers appealed directly to the people in public referenda, rather than the state legislatures themselves, and declared that the new Constitution would go into effect when nine of the state conventions had ratified it, rather than all as would otherwise have been required. The Constitution that Americans now celebrate – and that strict constructionists on the Supreme Court defend with great vigor – was adopted only by contravening the then formal-legal rules of the Articles of Confederation. But by appealing directly to the people, and persuading them of the new Constitution’s virtues, the reformers nonetheless achieved broad-based legitimacy and consent for the new institutions they created (Dougherty 2001, 129-61).

The collapse of the communist regimes in Eastern Europe and the Soviet Union also demonstrate clearly the relational foundations of state authority, but in a more revolutionary setting. Soviet-East European relationships had always leaned toward the coercive and the imperialist, as witnessed by the repeated Soviet interventions in East Germany (1953), Hungary (1956), Czechoslovakia (1968) and indirectly Poland (1981). Once the opportunity costs of the command economy and economic isolation rose to intolerable levels in the 1980s, economic and political reform became a necessity (Brzezinski 1990, Aslund 1991). As countries groped towards a new equilibrium that would restrict the power of the state, and new leaders placed explicit limits on the use of coercion to suppress dissent, dissatisfaction with the status quo became increasingly evident. In country after country, citizens withdrew their consent and the communist regimes fell like dominoes. Even some of the most authoritarian leaders, like Nicolae Ceausescu in Romania, had no choice but to concede power once citizens revoked their

support. It is important to emphasize here that the formal-legal institutions of the state did not change: whatever legal authority those institutions possessed in 1988 still existed in 1989. What changed was the willingness of individuals, en masse, to consent to the authority claimed by the rulers, ultimately undermining the coercive power of the state itself.

II. Legitimacy

Legitimacy is the alchemist's dross through which pure coercion is transformed into political authority. As explained above, political authority does not exist without the consent of the ruled. Stripped of all its intellectual baggage, legitimacy is constituted by this consent, nothing more, nothing less. Legitimate rule, then, is the right to use coercion with the consent of the relevant community to whom it may be applied. Legitimate is an unnecessary qualifier to the word authority – a redundancy. If the ruler possesses authority, she possesses legitimacy, and vice versa. Authority is what the ruler exercises, legitimacy is how the ruled empower the ruler.

The concept of legitimacy is typically invoked by scholars when the coercive force employed by rulers is inadequate to explain observed levels of compliance with commands, rules, and laws (see Hurd 1999). As long recognized by such philosophers as Machiavelli and Rousseau, “pure” coercive power cannot govern a society, at least not for long (see Zelditch 2001, Tyler 2001). Keeping soldiers and tanks on every street corner and spies in every coffeehouse and living room is not only costly, but is ultimately ineffective. Any regime that desires to endure must find some mechanism for inducing what Margaret Levi (1988, 48-70) has called “quasi-voluntary compliance” – behavior that is voluntary because subjects choose to comply, but quasi-voluntary because non-

compliance can in principle be sanctioned. Legitimacy is the bridge between choice and compulsion. As Peter Blau (1963, 312) clarifies, from the perspective of the collectivity of subordinates, compliance with legitimate rule is voluntary, as subjects consent to the authority of the superior. But from the standpoint of any individual subordinate, compliance is the result of “compelling social pressures” rooted in collective consent. As Blau (1963, 312-313) concludes, “the compliance of subordinates in authority relationships is as voluntary as our custom of wearing clothes.”

A ruler is legitimate when directives and laws are understood by subordinates as binding on the members of the relevant community. When legitimate, a ruler can expect compliance with her edicts, and subordinates perceive an obligation to comply – even if they fail to comply in practice at all times. Legitimacy does not require that subordinates acknowledge or accept the moral goodness of a ruler or her laws, although that sometimes occurs. Nor does legitimacy inhere in individuals. A single person may refuse to recognize the authority of a ruler, but still be bound by the consent of the collectivity of which he is part. Alternatively, no matter how fervently an individual believes in the rightness of the ruler, if all around him deny that authority and defy the laws, the ruler cannot be regarded as legitimate. In its barest essentials, rule is legitimate only if it engenders a pattern of compliance that follows from *collective* consent to a particular authority (Bernard 1962, 169, Lasswell and Kaplan 1950, 133). Legitimacy exists when the constraints on action are produced not only by the coercive power of the ruler but also by the collectivity of subordinates itself. Legitimacy is not an individual but rather a collective attribute.

Theories of Legitimacy

Theories of legitimacy are of two primary types (Zelditch 2001, 41-47).¹² First, as exemplified in the work of Talcott Parsons (1958), *consensus theory* posits that “rulers and the ruled alike share the same norms, values, and beliefs,” and it is the social consensus itself that renders those norms and values binding and, therefore, legitimate (Zelditch 2001, 41). These shared norms and values can pertain to either “appropriate” procedures, as in Weber’s formal-legal approach (Beetham 1991, Franck 1990, Tyler 1990a, 2001), or normative principles and ends (see Hurd 1999, Bukovansky 2002), but in either case it is the agreement between ruler and ruled that creates legitimacy. Compliance, in turn, is explained by adherence to shared norms and values. Since ruler and ruled agree on what the former can appropriately decide, either procedurally or substantively, the latter can be expected to comply.

In this highly distilled form, however, the problem of compliance in consensus theory is essentially assumed away.¹³ As the name implies, subordinates comply with rules or the commands of a dominant party because they are legitimate, and they are legitimate because all agree on the procedures or norms they embody. If everyone agrees with the ruler’s directives and laws, compliance is not an issue. In turn, no one expects compliance with “illegitimate” commands, where conformity, if it occurs, is likely the product of coercion.

¹² There are many hybrid theories that combine elements of consensus and conflict. Most posit greater or lesser disagreement on the means and ends of politics but agreement on mechanisms for resolving differences. Discursive theories, and especially the philosophy of Jurgen Habermas (1975), are a prominent example. An alternative schema divides theories of legitimacy by substantive theories, which posit a natural normative order, liberal-minimalist theories, which depend on a ruler’s ability to maintain peace in the face of conflicting interests, and democratic-proceduralist theories, which advocate a discursive foundation. See Baynes (2001). Others distinguish simply between procedural and substantive theories (Clark 2005, 18, Gelpi 2003, 14). On the variety of approaches to legitimacy, past and present, see Connolly (1984).

¹³ Hurd (2005) notes this as the problem of legitimacy and strategic behavior. If norms are fully internalized, then compliance is unproblematic.

Moreover, the theory itself is incomplete. By presupposing consensus, it falls into the same “chicken-and-egg” trap as formal-legal conceptions of authority discussed above. Some agreement on procedural or substantive norms must exist in order to reach agreement on procedural or substantive norms. And as with authority, this problem is particularly acute when theorizing about the state-of-nature. In the absence of existing consensus, how do anomic actors agree on an appropriate decision-making procedure or normative principle? Short of appealing to “natural law,” itself an explicitly normative enterprise, a consensus theory of legitimacy cannot explain its own origins.

Second, classically associated with the thought of Niccolo Machiavelli (1998), *conflict theory* assumes that the interests of rulers and the ruled are, as the name implies, in conflict. Although “pure” power can make rules binding, it “cannot make people believe that a rule is ‘right.’” As a result, “ideology, myth and ritual are necessary to legitimate rules...by masking the real interests of ruler and the ruled” (Zelditch 2001, 42). In this view, legitimacy is the product of strategically deployed propaganda that is accepted by a community of gullible subjects. In two of the more famous conflict theories, Karl Marx, without using the term later associated with his ideas, posited that the workers suffer from “false consciousness” (Tucker 1978), and Antonio Gramsci focused on the mechanisms by which the ruling class creates a hegemonic ideology (Gramsci 1971, Gill 1990).

Conflict theory solves the riddle of compliance in the absence of coercion by enlarging the range of power instruments used by the ruler (see Lukes 1977). Rather than understanding compliance as following only from coercive power, conflict theorists recognize that rulers can also forge supporting myths of one form or another, whether this

be the divine rights of kings, modern consumerism, or the Washington consensus. Legitimacy is then simply the collective belief in the myth. Much of the dynamic of history, in turn, is understood as the working through of the contradictions between structure (conflict) and superstructure (myth), with sharp breaks occurring when subordinates recognize their true interests and withdraw their consent from their rulers.

There is much to recommend in conflict theory. The interests of dominant and subordinate actors are seldom perfectly aligned. Ideas and ideologies are no doubt important in supporting particular conceptions of legitimate rule. Yet, conflict theory typically suffers from its own form of false consciousness. Assuming that all behavior is instrumental, conflict theory attributes rationality and full information to rulers but denies these same characteristics to the ruled, who because of incomplete rationality or asymmetrical information fail to recognize their true condition of exploitation. Collective action problems among the ruled are, no doubt, more severe than among rulers. But given the centrality of political authority in most societies, it seems unlikely that subordinates can be so easily misled for so long. Stupidity is not an interesting analytic concept – or a particularly satisfying explanation.

An alternative to consensus and conflict theories is the exchange theory of legitimacy, most closely associated with the work of Blau (1963, 1964, esp. Chapter 8), which I extend here. Unlike consensus or conflict theory, exchange theory posits that ruler and ruled hold both compatible and incompatible interests. There are joint gains from the production of a social order, characterized by movement from the status quo to the Pareto frontier, and distributional gains from the particular social order adopted, characterized by movement along that frontier (see Krasner 1991). Rather than assume a

normative consensus, exchange theory posits common interests in order as the glue that cements ruler and ruled together in an authority relationship. Distributional struggles, in turn, are not erased by propaganda but limited by the ruler's need for the consent of the ruled, a requirement that tempers the former's ability to exploit the latter.

In exchange theory, the compelling social pressures that induce compliance and render rule legitimate follow from the collective benefits of social order. Knowing that the group of subordinates possesses a common interest in an order and in sustaining the authority of the ruler integral to the reproduction of that order, any individual subordinate expects others to comply and, in turn, is compelled by their consent to comply as well (Blau 1963, 312). Legitimacy, compliance, and ultimately political stability follow from the benefits both ruler and ruled derive from the social order. It is these mutual benefits that give each incentives to comply with the wishes of the other.

Exchange theory is incomplete, however, in explaining how and why groups consent and comply with a ruler's authority. Blau (1963, 312, 1964, 202, 207-208) develops an "internalist" variant in which habits of compliance at the individual and community level can evolve into legitimacy through "shared feelings of loyalty" and norms that are then internalized by members. But this process is not well explained and ultimately reduces to a variant of either consensus or conflict theory.

Alternatively, in an externalist approach, taken here, social consent and compliance arise from the self-interests of actors who invest in or acquire assets that are specific to or have more value in a particular authority relationship than in others.¹⁴ Such

¹⁴ Ian Hurd (1999, 387) has criticized self-interest conceptions of legitimacy as inadequate because they imply that the ruled will be continually calculating their actions, contesting their bonds and engaging in resistance. That we do not observe authority contracts being continually renegotiated, he suggests, indicates the need for and role of a more normative conception of legitimacy. This criticism, however, comes from

“vested interests” – typically a term of opprobrium, decried by political reformers and radicals everywhere – are the foundation for the contract between ruler and ruled and essential to the group’s interest in supporting a specific authority relationship. In this view, vested interests are what make authority legitimate.

Actors acquire a wide variety of assets in everyday life, both at the individual and state level. Individuals buy property, pursue an education, develop specialized knowledge and skills suited to particular occupations, and save for retirement. States invest in infrastructure, specialize in different industries or economic sectors, and develop the ability to project coercive force to some areas of the world (and not others). Some assets will be generic, easily switched with little loss in value from one use or regime to another. Other assets will be highly specific to a particular authority relationship and the policies it produces, and can be deployed to other uses or used under alternative regimes only with substantial loss in value.¹⁵

At all levels, as actors invest in relationally specific assets they become dependent on the authority structure that produces a particular social order. In turn, they acquire incentives to support the ruler and suppress possible dissidents who would overturn that order. In this way, the group – as a community of actors vested in a particular order and relationship – legitimates the ruler’s authority. Authority becomes more robust – more legitimate – as subordinates acquire more assets that are dependent on that hierarchy.

Constitutions within countries are authority contracts in that they specify the rights and obligations of both citizens (the ruled) and the state (the ruler). All

an overly narrow understanding of self-interest. With vested interests, social orders get locked in and are not continuously challenged or re-evaluated.

¹⁵ On asset specificity see Williamson (1975, 1985). On the role of specific assets in international hierarchy, see Lake (1999).

constitutions must be self-enforcing (Weingast 1997). Although it may centralize or decentralize authority and preserve a large realm of private authority to citizens or aggrandize all rights to the state, any constitution exists only so long as the parties to that contract accept and agree to work within its rules -- there is no “third party” above or outside the constitution with responsibility for enforcing it.¹⁶

Constitutions become self-enforcing and persist as individuals and groups develop vested interests in the particular sets of rules outlined in the contract and the policies derived from those rules. As constitutionally derived rules create incentives for actors, the parties respond by making investments premised, in part, on those rules and their attendant outcomes. Individuals acquire property on the expectation that the state will protect their rights. They enter into contracts with one another with some confidence that constitutionally prescribed actors and rules will help enforce those private agreements. The same holds for policies that follow from those constitutionally-derived rules. Individuals condition their retirement savings on Social Security, Medicare, and other programs that assist the elderly. Firms invest in plant and equipment on the expectation that property protections and particular investment incentives will continue.

As they make rule or policy-specific investments, actors acquire new incentives in the preservation of the constitution that produces those rules and policies. In other words, they become vested in the constitution and can be expected to devote political effort to defending it. American farmers, whose broad geographic dispersion gives them

¹⁶ Although a constitutional court, such as the Supreme Court in the case of the United States, may be charged with interpreting the contract, its rulings have force only if other political actors accept its powers. And even though the military or police may be sworn to uphold and protect the constitution, their oaths are binding only as long as they choose to be bound. All of the actors that might be charged to enforce a constitution are themselves governed by that contract. Hardin (1999) argues that constitutions condition contracts and elevates them to a precontract status. More accurately, constitutions are meta-contracts on which most other contracts in society depend.

considerable clout within Congress and the ability to lobby effectively, are dependent on government subsidies. If these socially inefficient subsidies were withdrawn, for instance, crop prices would fall, land values would decline, and some now poorer farmers would be forced to shift to new occupations and acquire new skills. To forestall the decline in the values of their assets – both land and skills – farmers fight hard to maintain their current subsidies and would fight even harder to preserve their representation in Congress were it ever challenged. More generally, as the Bush administration’s failed attempt at reform again demonstrates, Social Security remains the “third rail” of American politics. Because it affects so many people and conditions so deeply their lifetime consumption and savings habits, the population as a whole is acutely dependent on the program and politicians can change it only at their peril. The elderly, who cannot alter a lifetime of consumption and savings retroactively nor redeploy their assets and start saving for a future under a different policy regime, are particularly vigorous advocates of the status quo. The greater the rule or policy-induced investments, and the more specific those investments are to particular rules or policies, the greater the coalition in favor of preserving the extant constitution and its policy outputs.

Vesting may also, over time, alter the composition of groups affected by rules and policies. As the “winners” win, some fraction of their gains will be devoted to protecting their investments. Conversely, as the “losers” lose, they have less to fight with and may, at an extreme, be eliminated from the political arena (see Becker 1983, Rogowski 1989, Hathaway 1998). As recent changes in tax law have contributed to increased income inequality in the United States, for instance, the wealthiest individuals have enjoyed even higher incomes and the opportunity to use their disproportionate gains to preserve

beneficial policies, while the poorest Americans have lost both economically and politically. Even groups initially harmed by a policy may, over time, redeploy their assets, make new investments, and eventually come to support what they initially opposed. For instance, renters are disadvantaged by the mortgage interest tax deduction in the United States. This creates incentives for people who might otherwise prefer to rent to purchase homes. Once they become homeowners, these former renters often become fervent advocates of the mortgage interest deduction. By favoring groups or realigning incentives, rules and policies strengthen defenders and weaken opponents and, thus, become harder to challenge or overturn. Thus, by creating winners, constitutions and their derived rules and policies endogenously create their own supporters in the form of individuals or groups who have stakes in the existing order and who will act politically to protect their interests.

In this world of self-enforcing constitutions and vested interests, formal legal institutions are the reflection of authority, not its foundation. It is not the constitution itself that confers authority, but the self-interest of the parties to that hierarchy that permits the ruler to rule. As relationally-specific assets accumulate and the parties become vested in a particular social order, this self-interest legitimates the ruler's authority. The ruled consent to the authority of the ruler and, indeed, empower the ruler to preserve and enforce the rules under which they benefit.

Delegitimation

Ancient history is littered with the ruins of failed empires. The European empires that once spanned the globe all ended within a matter of decades after 1945. A pressing international issue today is what to do about fragile or failed states with weak internal

governance. Without doubt, authority is a fleeting, transient relationship. Even if the most successful polities last for centuries, all eventually end. If vested interests legitimate authority and tend to accumulate over time, how and when do hierarchies change? How does rule become de-legitimated?

The sources of change and collapse are many (Diamond 2005). Focusing on the authority contract, there are four primary sources of change that can lead previously legitimate relationships to fail. Authority can lose its legitimacy due to exogenous shocks or events that are external to the relationship between particular actors. The range of possible shocks is large and cannot be enumerated here.¹⁷ Exogenous shocks occur outside a particular authority relationship but, nonetheless, change the costs and benefits for the parties of their existing contract. Specifically, “shocks” change the relative prices of different assets in unexpected ways, as did rapidly falling agricultural prices in the first and second great depressions (Gourevitch 1986). Although not framed in this way, Margaret Levi’s (1997) insightful study of conscription can be understood as asking how war led to a renegotiation of the authority contracts within states.

Authorities can also fail as competitors rise that seek to attract subordinates by offering a better contract. Competing for subordinates is, of course, central in all political systems, although the rules of that competition vary with important consequences (see Bueno de Mesquita et al. 2003). The rise of new competitors -- a special type of exogenous shock, but worth singling out for extended discussion because of its prominence in the existing literature -- can cause previously robust and legitimate hierarchies to decline. At the international level, Robert Gilpin (1981) speculated that the law of uneven growth would continuously unsettle the distribution of capabilities among

¹⁷ Indeed, the concept borders on the tautological and actual shocks may only be recognized ex post.

the great powers, causing some faster growing states to rise and challenge slower growing dominant states.¹⁸ Kenneth Organski (1958) and other power transition theorists (Organski and Kugler 1980, Lemke 2002), posit that such power transitions are particularly dangerous and prone to major wars. Both see the struggle between status quo powers and rising challengers as rooted in the desire to set the rules of the international system in ways favorable to themselves. Within states, the rise of parallel social institutions can also challenge the existing contract, as suggested by the case of religious extremist groups (Iannaccone and Berman 2006, Berman and Laitin 2005).

Challengers compete with the existing ruler for authority over subordinates. As the newcomer, the challenger typically offers an alternative social order – biased as always towards its interests, but in ways different from the existing order – in return for the loyalty and compliance of subordinates. The presence of the challenger, in turn, allows subordinates to play the two possible suzerains off against one another, possibly igniting a bidding war that shifts the benefits from exchange in their favor. What had previously been an exclusive relationship (a monopoly) now becomes open to competition (a duopoly) that restrains the ability of either of the two possible rulers to bias the rules too greatly in their favor. It is for this reason that rulers seek exclusive relationships with their subordinates and oppose the rise of possible competitors.

¹⁸ Attempts to link the slow growth of dominant states to the burdens of hegemony were unsuccessful in my view. Although dominant states do grow more slowly than rising challengers – it would be impossible for them to become challengers otherwise – scholars were not able to identify any concrete reason why the burdens of leadership should repress economic activity in lead countries over time. Economic convergence appears to be a natural process (Barro 1997).

Authority can also lose its legitimacy due to strategic miscalculations. Two kinds of strategic miscalculations are consequential.¹⁹ The subordinate, B, can demand more autonomy than it warrants given the benefits of the social order it receives from A. This is most likely, perhaps, when A's authority is naturalized or taken-for-granted by B – when it is legitimate! – and B fails to appreciate its dependence on the social order produced by A. In this case, the ruler is “under-appreciated” by the subordinate. We would expect A to either discipline B to restore its rule, or eventually to reduce the magnitude or extent of the social order it provides. Some argue that decolonization in the presence of weak states has led to a consequential deterioration in social order in African states, in particular (Jackson 1990, Herbst 2000, Boone 2003), and that maybe, in retrospect, empire was not “that bad” after all (Ferguson 2002, 2004, Lal 2004).

A can also over-reach by asserting rights that are not accepted as legitimate by subordinates.²⁰ In this case, A believes it possesses greater authority than it does. The B's in turn can choose not to comply with A's illegitimate commands or more actively resist, often leading to the unraveling of the relationship. Particularly dangerous, by over-reaching A signals to others that it cannot be trusted to abide by its authority contracts and may prompt subordinates to withdraw their consent more generally. When A over-reaches or asserts authority that is not accepted by subordinates, it can either back down, revealing itself as a “paper tiger,” or try to enforce its will through coercion, which is

¹⁹ In addition, B can over-comply with A's rules or A can under-use its authority over B. In international relations, neither would typically be manifested as a “problem” or a mistake that needed to be corrected. We would not expect the authority to be renegotiated in such cases.

²⁰ Over-reaching by dominant states is similar to the idea of imperial over-stretch (Kennedy 1987, Snyder 1991) in which a great power expands beyond the point where its marginal returns equal its marginal costs. The existing literature focuses on the military costs of expansion and the opposition that empire engenders, but these costs can be thought of as particular types of problems dominant states confront if they over-reach.

costly. A classic case was England's over-reaching in its North American colonies after the Seven Years War by imposing new taxes, which ultimately led to the revolution.

President George W. Bush (King George II?) has similarly over-reached in Iraq.

If lost, legitimacy can be restored only with massive effort. In most cases, the relationally-specific assets that create vested interests do not depreciate or lose all value immediately. Even as these assets are less valuable in some new set of relationships, or even in anarchy, they can regain at least some of their former value by a return to the status quo ante. Thus, vested interests will continue to advocate for the *ancient regime* even in the face of change. Fifty years after Castro's revolution, for instance, Cuban émigrés in the United States continue to support the overthrow the regime and advocate a restoration of the American-dominated informal empire under which their agro-exporting and capitalist forefathers prospered. Vested interests can remain a potent force in politics for a long time.

Nonetheless, a return to the status quo ante is never possible. When legitimacy is lost, subordinates have withdrawn their consent from the ruler. They no longer accept the previous authority contract, or they do not believe the ruler will abide by that contract. The ruler must, as a result, work harder to rebuild the social order on which authority rests, if it has frayed, or to restore confidence in its willingness to live with the limits of the contract, if it has over-reached. The first is directly costly. The second requires even greater restraints on its freedom of action, an indirect cost; it must bind itself even more tightly to convince subordinates that it can be trusted with the authority they grant it.

Vested interests, in short, are the glue that holds an authority relationship together, binding ruler and ruled. The deeper the vested interests, the more legitimate is

the authority of the ruler – the more powerful the glue. But like any adhesive, vested interests are not infinitely strong or flexible and can be broken by unanticipated forces or the miscalculations of ruler and ruled. Authority is not an objective or natural fact like the existence of gravity or nuclear weapons. Gravity and the ability to incinerate an opponent exist independently of our actions and understandings. Rather, as a construct produced by the actions of social beings, legitimacy can be destroyed by the actions of those same beings. Indeed, authority is a fragile thing, broken easily, and repaired only with great difficulty.

III. Authority, Legitimacy, and State-Building

A relational conception of authority leads to a deeper understanding of the problem of state failure and a theoretical critique of current state-building efforts that, although not yet tested systematically, resonates with the current debate over Somalia, Afghanistan, Iraq, and other recent cases. My aim in this section is not to present an argument and evidence in detail but to illustrate how alternative conceptions of legitimacy have real world implications for policy.

Any theory of state-building must begin with a definition of state failure and, in turn, a conception of the state. Max Weber (1948, 78) famously conceived the state as “a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.” In understanding state failure, the two key variables in this definition are monopoly and legitimacy. A state can fail by losing its *monopoly* of legitimate violence. In the case of civil wars, for instance, two or more coercion-wielding groups, one of which may be the former state, are recognized as legitimate by significant but distinct fractions of the population. States can also fail by

losing their *legitimacy*. This can happen even without a loss of the monopoly of violence, as occurred in the collapse of the communist regimes in Eastern Europe and Soviet Union in 1989 and 1991. Most problematic are those communities in which the state loses both attributes, as in Somalia and the Democratic Republic of the Congo.

State-building, it follows, requires the reconstruction of both the state's monopoly of physical violence and the legitimacy of that monopoly. As we know from the literature on civil war termination, in the absence of total victory rebuilding the monopoly of force can be quite difficult. The disarming of one or more groups or the merging of forces can leave groups vulnerable and, by changing the balance of power between groups that existed at the time of agreement, undermine the credibility of the peace accord. Barbara Walter (1997) describes this as “the critical barrier to civil war settlement.”

Perhaps even more difficult, however, is rebuilding legitimacy after it is lost. Even in peaceful transitions, as in Eastern Europe, historical animosities and preference heterogeneity can combine to create lasting political instability – at least in the form of cycling majorities, as in the present Ukraine after the “Orange Revolution” – or even separation, as in the velvet divorce between the Czech Republic and Slovakia in 1993. After a civil war, the problem of reconstructing legitimacy can be overwhelming. Typically, through the violence, the old political community has been torn apart. Short of total victory by the state, the political differences that led to war must be accommodated by changing the pre-war institutions and rules. The institutionally specific assets that held the political system together and made it legitimate have been destroyed in the fighting or depreciated by the necessary political concessions and institutional changes. After a prolonged state of anarchy – in both meanings of that term – the foundations of

legitimacy have typically crumbled; even if new political bricks are available to rebuild, no vested interests exist to serve as mortar to hold a structure together.

Current state-building efforts emphasize writing a new constitution to which all major groups can agree and holding elections for local and national offices. This holds equally for trusteeships supervised by the United Nations (e.g., Bosnia, Kosovo), primarily led by the United States (e.g., Afghanistan, Iraq), or conducted under the auspices of regional organizations. The first step is nearly always to hold a constitutional convention and elect a new government. By creating new participatory institutions, the new state will, it is hoped, enjoy the consent and legitimacy of enough of the population to ensure stability. Although every effort pursues a mix of motives and programs, institution-building is clearly seen as a priority and perhaps even a panacea in contemporary state-building efforts.

Although never made explicit, this institution-building project is premised on a formal-legal conception of authority. Build institutions that have broad support, it is believed, and they will legitimate officer holders who will then have the authority to make the often tough and difficult political choices necessary to create a new social order. As in the formal-legal approach outlined above, it is the duly constituted institutions that confer authority on the individuals who occupy offices and can, then, legitimately govern. Critically, the key sequencing of events is understood to be institutions \Rightarrow authority \Rightarrow order.

Thinking about state-building in this way may be appropriate in established and functioning political systems – which of course do not need to be rebuilt – but appears more problematic in the anarchy of a failed state. To point to cases very much in the

news, in Afghanistan the success of U.S. efforts to write a new constitution and elect new officials has done little to legitimate the state or extend its reach beyond Kabul. As the continuing power of the regional warlords and a resurgent Taliban indicate, the state has neither a monopoly over physical violence nor legitimacy over the people and territory it supposedly governs. Similarly, in Iraq, the government of Prime Minister Nouri al-Maliki, duly elected under the new constitution, is immobilized by continued divisions and is unable to stop the growing sectarian violence. Most analysts now cite the failure of the United States to create a secure social order immediately after the invasion as the critical mistake in the war.

A relational conception of authority suggests a very different model of state-building. There are, at least, two key implications. First, even in the state-of-nature of a failed state, social order is a pre-requisite for legitimacy and effective political authority. Rather than writing constitutions and building elections, would be state-builders need to demonstrate first that they can restore order and, especially, provide public safety, food, shelter, basic health services, and property rights. In this alternative view, authority follows from the presence of social order, not the other way around.

Second, the social order created must be credible if it is to become legitimate. Vesting interests in a particular social order is necessary for the collective consent that makes an order self-reinforcing. Stake-holders must be created who then empower the state to enforce that order. Individuals and groups must believe that this order and not some alternative order -- this set of rules and procedures and not some different set -- will be in place over time before they begin investing in the specific assets that then bind them to that order and create incentives to support or even defend a particular regime. How

these collective beliefs get formed frankly remains something of a mystery: political stability is really a convergence of many individuals expecting stability. Nonetheless, it is essential to the creation of legitimacy. The difficulty of orchestrating a convergence in beliefs may explain the persistence of many weak states of uncertain legitimacy.

Possessing reservoirs of resources and force much larger than those of any domestic group, external trustees can play an important role in state-building by establishing a focal point around which expectations of order can converge. As vested interests then accumulate, the new political equilibrium becomes self-enforcing or, in a word, legitimate.

This relational approach reverses the sequence of steps posited by the formal-legal conception of authority and state-building policies premised on that conception. In the relational approach, order \Rightarrow authority \Rightarrow institutions. After decades of war and anarchy, Somalia appears to be following just this route back to stability, even without the assistance of any international trustee and, indeed, in opposition to the United Nations-backed government in Baidoa. Triumphant in an easy victory over the United States-supported warlords, a coalition of merchants and the Union of Islamic Courts, which arose to fill the political space created by the absence of an effective government, has seized power in the capital and significant portions of the country. Since then, the Islamist-led coalition has focused on restoring public order, opening the airport and ports, cleaning and rebuilding the cities, organizing work crews for sanitation and road repair, and reopening schools and courts. It is still too early to tell whether the Union of Islamic Courts will succeed in securing legitimacy, but it is now urging the United Nations to

move up elections scheduled for 2009 to take advantage of its widespread popularity.²¹

As a relational approach predicts, in this case authority and later institutions may follow rather than precede the reconstruction of order.

IV. International Authority and International Relations

Adopting a relational rather than formal-legal conception of legitimacy also has significant implications for how we understand the fundamental nature of world politics. In this section, I focus not on policy implications, but how conceptions of authority can recenter theories of international relations.²²

Nearly all international relationists presume that world politics is anarchic, or lacking in any authority superior to that of states. Drawing on juristic theory, popular at the turn of the last century, international relations imported a formal-legal conception of authority into its theoretical foundation (Schmidt 1998). It follows directly from this conception that international politics lack authority: since there is no lawful position or institution above the state, there can be no authority above the state. International relations, it is held, are a realm of anarchy devoid of authority, and all relations between duly constituted states are also anarchic. Most analysts do not ponder where the assumption of anarchy they rely upon originated, but it is clearly rooted in a formal-legal conception of authority.

Even while sharing this particular conception of authority and anarchy, analysts differ in their understanding of its purported consequences. For some, anarchy is primordially given and necessarily implies a Hobbesian war-of-all-against-all (Waltz 1979, Mearsheimer 2001), for others it is socially constructed, variable in its rules and

²¹ Jeffrey Gettleman, "Islamists Calm Somali Capital With Restraint, *New York Times*, September 24, 2006, A1 and 10.

²² See Lake (forthcoming-a) for a much fuller discussion.

practices, and may contain more benign alternatives (Wendt 1992, 1999). Anarchy is understood to make cooperation between states nearly impossible (Grieco 1990), merely difficult, or more likely by promoting investments in institutions that facilitate cooperation (Keohane 1984). Finally, for some, anarchy is understood to drive states to desire power or security while, for others, states in anarchy may still possess a broad range of goals (see Baldwin 1993). Yet, virtually all international relationists agree that relations between states are anarchic and that this has important consequences for world politics.

Alternatively, a relational approach is open to the possibility of authority at the international level and, more importantly, provides us with a conceptual tool kit to begin to identify variations in international hierarchy. If authority can emerge as part of an equilibrium between ruler and ruled from the state-of-nature and if it can change and erode despite the persistence of formal-legal institutions, as we have seen above, then it cannot be excluded by assumption in relations between units within the global system. Most importantly, by the same logic that creates an equilibrium within states, politics can exchange an international order (at the dyadic, regional, or global level) for consent to the authority of another state. In this case, subordinate states may or may not contribute resources to the dominant state to produce the international order, but they accept an obligation to follow its commands and collectively legitimate its rule.

Viewed through the a lens of relational rather than formal legal authority, it becomes obvious that hierarchy exists in relations between states (Lake 1999). Since 1900, for instance, the United States has exercised a sphere-of-influence over Latin America in which all states have been prohibited from allying with any other great

power. It has actively punished those who challenged this authority, including the long-standing sanctions against Cuba. In Central America and the Caribbean, the United States has exerted even greater authority, claiming what President Theodore Roosevelt in his famous corollary to the Monroe Doctrine called an “international police power” and intervening, when necessary, to ensure political stability and friendly governments throughout the area. After World War II, the United States extended a more limited form of authority over Western Europe and Northeast Asia, integrating the states of these regions into an open, liberal world economy with the dollar and American troop deployments at its core. In the 1990s, the United States attempted to broaden its authority in a New World Order in which it accepted responsibility for maintaining the territorial integrity of subordinates, ensuring peace and stability in fragile states, and punishing and ostracizing so-called rogue regimes. We also find similar though perhaps less ambitious authority relationships by Britain and France over their former colonies and Russia in its “near abroad.”

Incorporating hierarchy into international relations theory, and understanding its effects, reveals new patterns of behavior that are not predicted by extant theories and, in some cases, are inconsistent with prevailing expectations. Hierarchy conditions the policy choices and behaviors of subordinate and dominant states alike. Perhaps most striking, as it cuts to the core of the supposedly self-help nature of international relations, subordinate states spend significantly less on defense as a proportion of GDP than non-subordinate states, and dominant states are more likely to come to their assistance should they become involved in an international crisis. Although they may bias the rules of the international order to their advantage, dominant states, in turn, are not unaffected by the

authority they wield. To create and sustain the authority they enjoy over others, dominant states must produce social order, discipline subordinates, and restrain their own freedom of action.

“Seeing” authority relationships within international relations challenges important tenets of extant international relations theory. Most importantly, in a world in which states exercise authority over one another, *not all states are dependent upon self-help*. For many analysts, a primary implication of anarchy is that states must depend upon their own efforts and strategies. In a world without authority, states can ultimately depend on no one but themselves. In an international system of variegated authority, however, subordinate states and polities will turn to dominant states for protection, to facilitate cooperation, and to resolve disagreements with third parties. States can prosper under an authoritative order.

Second, *states do not always balance against others, but sometimes accept the leadership of dominant powers*. “Balancing” is often taken to be one of the operative laws of international politics. Under anarchy, states are compelled to rally together or mobilize their internal resources to counter the most powerful or threatening state. Under varying authority, on the other hand, there will be less balancing than is otherwise be expected. Instead of allying against a dominant state, subordinate units will shelter under its wings for protection. This is neither “bandwagoning” in the hopes of reaping a share of the dominant state’s spoils of war nor free riding. It rests instead on an exchange of protection for compliance that is in the interests of both dominant and subordinate polities.

Third, *compliance is not simply a function of coercion*. Compliance by one state with the wishes of another is normally expected in asymmetric power relations, or to follow from threats or actual uses of force. Rather than complying with the wishes of dominant states as a result of coercion or threats of coercion, however, subordinate states comply out of obligation and the belief that the dominant state's commands are legitimate. Thus, we observe compliance by subordinates even in the absence of any overt threats or uses of coercive pressure.

Fourth, *dominant states provide order not just in their narrow self-interest but as a means of creating authority*. Dominant states benefit from order. Protection from threats, secure property, and the expectation that promises made will be kept are important to suzerains as well as subordinates. Yet, order has been treated as a public good that larger states provide only when they are altruistic or constitute a privileged group. In a world of hierarchy, on the other hand, dominant states have an important incentive to provide order for their subordinates regardless of their size.

Finally, *dominant states seek legitimacy and do not attempt to reap all the fruits of their coercive abilities*. Under anarchy, the powerful are expected to exploit the weak. As Thucydides (1972, 402) observed, international politics is not conditioned on rights or justice, but “the strong do what they have the power to do and the weak accept what they have to accept.” In actuality, however, dominant states forsake self-aggrandizing policies and seek to build up others in order to expand or preserve their own legitimacy. To acquire authority, it is essential that self-interest be tempered by actions in the general interest. And to credibly commit not to abuse the authority they have been granted,

dominant states will tie their own hands or, in John Ikenberry's (2001) phrase, "self-limit" their power.

In short, a world of varying international authority, world politics is not a Hobbesian state-of-nature, a war of all against all, in which might trumps right. Just as within states, a measure of authority mitigates the struggle for security and power and transforms both the motives and relations between states. These relationships of hierarchy and the behaviors they produce are now masked by the formal-legal conception of authority and the assumption of anarchy that now dominates the study of international relations. Conversely, they are revealed by a relational conception. Conceptions of authority matter not only for policy, but for how we understand the very nature of international politics.

Conclusion

By way of conclusion, but not summary, let me raise two issues that will, I expect, occupy much of our discussion at the workshop: fairness and norms as foundations of legitimacy. In both cases, these factors are not inconsistent with the conception of relational authority I explicate here, and in some ways help modify and extend the analysis in potentially useful ways. At the same time, however, neither fair procedures nor normative agreement are necessary conditions for legitimacy to obtain, at least in the domains of state-building and international hierarchy that I have been thinking about most seriously.

There is now fairly strong evidence that "procedural fairness" matters in whether individuals view particular authorities as legitimate.²³ The relational conception of authority advanced here reverts, perhaps, to an older approach to legitimacy that focuses

²³ See Tyler's extensive writings on this subject; for example Tyler (1989, Tyler 1990a, 1990b, 2001).

on outcomes – and even here sidesteps the issue of fairness in favor of a comparison of outcomes under authority relative to those under a “state-of-nature.”

Let me be precise here. In any authority contract both ruler and ruled must benefit from the relationship or it cannot be sustained. This does not mean, however, that each is as well off as they might be in some ideal world. The authority exercised by the ruler is not necessarily optimal from the point of view of either the dominant or subordinate party. A supranational government to which all are subordinate, for instance, might provide a social order more effectively than a hegemonic state – or it might not, especially if it was undemocratic or insufficiently accountable. Rather, the exchange simply leaves the parties better off than in their next best alternative, which in the absence of authority is the “state-of-nature” in which persons, property, and promises are always insecure and wholly dependent on self-help.

And to say that parties are “better off” under hierarchy is also not to claim that they benefit equally from the relationship, which substantive notions of fairness tend to use as a baseline. In some cases the subordinate may be able to exploit the ruler and extract a disproportionate share of the joint benefits created by order. But more frequently, the dominant actor is likely to use its ability to set the rules to bias the social order towards its own interests. Indeed, at the extreme, rulers may skew the rules to such an extent that subordinates are indifferent between remaining under their authority or reverting back to anarchy, although most rulers likely value future gains sufficiently not to push subordinates towards such fragile, “knife-edge” equilibria that can be easily perturbed by exogenous shocks. Nothing in exchange theory implies that hierarchy is substantively “fair” or equitable, or that fairness is a requirement for legitimacy. All that

is required is that both parties be marginally better off under hierarchy than in the anarchic state-of-nature they would otherwise inhabit.

Procedural fairness, of course, is not inconsistent with the notion of authority as an exchange between ruler and ruled. Rules can be followed and therefore “fair” even though biased in significant ways. Insightful rulers may recognize that treating groups with respect and procedural fairness will help legitimate their rule. But most work on procedural fairness has been conducted on authority within a stable rule of law. Given minimum substantive outcomes, fair procedures are regarded as more legitimate. The question for discussion is whether procedural fairness matters and to what extent in the emergence of authority from within the state-of-nature. Indeed, in both failed states and relations between states, as I have argued above, there are no (or very few) established procedures against which to judge fairness. What are the procedures through which states are reconstituted after civil wars, or in which one state acquires (more or less) authority over another? And in the absence of agreed upon procedures, how is fairness determined? Like the formal-legal approach, a procedural fairness model of legitimacy appears to presuppose agreement on institutions or, at least, a set of normative values that produce certain procedures. But where does this agreement “come from”? This will be interesting to think about, but a relational approach would suggest that agreement originates in a mutually preferred bargain between ruler and ruled and the creation of a necessary and mutually beneficial social order.

There is almost universal agreement that legitimacy has a normative root. This underlies consensus theory, but is present in many forms of conflict theory as well.

Relational authority, on the other hand, is rooted in the self-interest of actors. It possesses an admittedly “thin” conception of legitimacy.

As with procedural fairness, norms need not be inconsistent with a relational theory of authority, and effective rulers will certainly seek to wrap themselves in ideas, symbols, and theologies that further legitimate their rule. Although appeal to consensus or normative principles is not necessary for legitimacy, the authority contract that emerges between ruler and ruled may be influenced by prevailing norms – whether sincerely held or strategically propagated. The mutual benefit from social order is necessary for the authority contract to hold, and it can be sufficient, but norms can augment self-interest and may, indeed, shape conceptions of what is “beneficial.”²⁴

Yet, as with procedural fairness, it is not clear how norms shape conceptions of legitimacy as it emerges from the state-of-nature. In a failed state, especially after a long and bloody civil war, there may be little normative agreement between the parties. In international relations, the prevailing norm of Westphalian sovereignty explicitly denies the legitimacy of any authority by one state over another. Thus, the existence of international authority presents an almost negating or falsifying case for the importance of norms in legitimating rule. Yet, in the absence of normative agreement – and in international relations, in the face of contrary norms – authority can still emerge. This is not to argue that norms do not exist or that they do not play at times an important role. The strength of the norm of Westphalian sovereignty most likely restricts the extent to which states can successfully claim international authority. Principled ideas may well be the superstructure that shapes the content of what is legitimate at any moment in time, but

²⁴ For constructivist approaches to international legitimacy, see Hurd (1999) and Bukovansky (2002).

that superstructure would appear to rest on a foundation of mutual benefits from social order.

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